

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and  
THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING  
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited  
liability company;

PREVAGEN, INC., a corporation  
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE  
MANUFACTURING, LLC, a limited  
liability company; and

MARK UNDERWOOD, individually and as  
an officer of QUINCY BIOSCIENCE  
HOLDING COMPANY, INC., QUINCY  
BIOSCIENCE, LLC, and PREVAGEN,  
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**DECLARATION OF JACLYN M. METZINGER**

I, Jaclyn M. Metzinger, declare as follows:

1. I am a member of the Bar of the State of New York and am a Partner with the law firm of Kelley Drye & Warren LLP.
2. I submit this declaration in support of Defendants' Second Motion *In Limine*.
3. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Mark Underwood dated April 12, 2022 and filed in this Action on April 13, 2022. (Dkt. No. 223.)

4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the deposition transcript of Kenneth Lerner, dated August 6, 2020.

5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the deposition transcript of Mary Sano, Ph.D., dated October 22, 2021.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the deposition transcript of Janet Wittes, Ph.D., dated October 7, 2021.

I declare under penalty of perjury that the foregoing is true and correct.



Executed on October 24, 2023.

---

JACLYN M. METZINGER